

REMARKS

We have made various amendments to the claims. In particular, the characterization of the independent claims as being directed to “...testing a digital content player...” has been amended to “...testing the navigational response of a digital content player”. That it is the testing of the navigational response of players that is the object of the present invention is clear from the section of the application entitled “Background to the Invention”. Paragraph [0005] is particularly relevant.

We have also added the word “assigned” before “identifiable output.” This is described in, for example, paragraph [0038].

We have also replaced the phrase “comparing the identifiable output with a current position with the digital content” with “ascertaining a current position with respect to the navigation structure of the content using the assigned identifiable output”. Methods of ascertaining a position without an explicit comparison are described in the description. For example, paragraph [0045] describes how a “current position...can be identified using...an audio or visual watermark...”

The Examiner rejected claims 1-9 under 35 U.S.C. §102(b) as supposedly anticipated by U.S. Pat. No. 5, 903, 701 to Lydecker et al. (Lydecker)

But we note that Lydecker does not relate to testing the navigational response of digital content players; it relates to the testing of content rather than players. Furthermore, it does not relate to the testing of, or indeed even mention, navigational response or navigation structure. Rather, Lydecker relates to a method and system for testing the quality of recorded audio and/or video programs by comparing the quality of products played from different recording mediums, such as CD and vinyl (e.g. see the section entitled “Field of Invention”).

Since Lydecker does not describe a navigational structure or ascertaining any position within content, Lydecker does not teach or suggest either of the following features:

...ascertaining a current playback position with respect to navigation structure of the content using the assigned identifiable output; and

...determining whether the ascertained position corresponds to an anticipated or expected position within the digital content.

both of which are recited in claim 1, as amended.

For at least these reasons, we submit that claim 1 is patentable over Lydecker. Since all of the other independent claims have limitations similar to those discussed above, we believe that the claims are in condition for allowance and therefore ask the Examiner to allow them to issue.

Please apply any charges not covered, or any credits, to Deposit Account No. 08-0219, under Order No. 2002085.00125US1 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: July 1, 2008



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